

REMARKS

Claims 1-4 and 11-20 are pending in this application. Claims 1 and 11 are independent claims. By this amendment, claims 1 and 11 are amended.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claim 15 over the art of record. The Office Action also indicates that claim 15 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, applicants respectfully submit that all of claims 1-4 and 11-20 are allowable, for at least the reasons set forth below.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejections:

(1) claims 1-3, 11-13 and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,278,844 to Takeshita (hereafter Takeshita) in view of U.S. Patent No. 6,233,016 to Anderson et al. (hereafter Anderson); and

(2) claims 4, 14, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takeshita in view of Anderson

and U.S. Patent No. 6,700,610 to Kijima et al. (hereafter Kijima).

These rejections are respectfully traversed.

Applicants respectfully submit that at least the combination of Takeshita and Anderson fail to teach or suggest each and every feature as set forth in the claimed invention.

In response to our previous arguments, the Examiner states that he generally agrees with applicants' interpretation of the operation of Anderson, however, the Examiner does not agree with applicants' position of Anderson in view of the claim language. In essence, the Examiner believes that the claim language is written broadly enough such that Anderson provides the necessary teachings. (see Office Action, pages 2-3).

With this in mind, applicants respectfully submits that independent claims 1 and 11 are amended so as to further amplify that the "amount of voltage decrease" is directly related to the "difference voltage" between a first battery voltage level prior to initiation and a second battery voltage level during power initiation. Although applicants believe that one skilled in the art would see that such language is already implied in the previously presented claims (see Office Action, page 3, item 7), in order to expedite prosecution, by this amendment applicants have expressly added such language to the claims.

As such, now that "an amount of voltage decrease" is expressly defined in the claims, applicants respectfully submit that at least the combination of Anderson and Takeshita fails to

teach or suggest such a difference in an amount of voltage decrease.

In other words, in regard to the amended claim language, applicants respectfully submit that at least the combination of Anderson and Takeshita fails to teach or suggest that the decrease amount corresponds with a difference voltage between a first battery voltage level prior to power initiation and a second battery voltage level during power initiation.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As conceded by the Examiner, Takeshita fails to disclose that the controller determines, during power initiation, whether a voltage decrease from the electric power source during operation of one of the lens cover driving motor and the zoom motor is less than a predetermined value, and if so, controlling the zoom motor and the focus motor to substantially overlap in operation to move the lens groups to initialization positions. (see Office Action, page 6).

In an attempt to show this feature, the Examiner imports Anderson. Specifically, the Examiner alleges that Anderson

discloses that upon a power-on signal (steps 600 and 604, Fig. 7) the voltage sensor (76) compares the power source (74) voltage with a threshold voltage. The Examiner further alleges that in Anderson, if the power source voltage (74) is less than the threshold voltage, the controller changes the power state of the camera (Power state 5 to Power state 1) until the power source (74) voltage exceeds the threshold voltage. (see Office Action, pages 6-7).

However, Anderson only discloses determining whether or not the battery charge is sufficient, or whether or not the camera is connected to the AC power supply. (see Anderson, col. 5, line 64 to col. 6, line 21 and col. 10, lines 28-34).

Thus, Anderson fails to disclose determining, during power initiation, whether or not an amount of voltage decrease from the electric power source terminal voltage value caused by an operation of a driving motor is less than a predetermined decrease amount value, wherein the amount of voltage decrease corresponds to a difference between two voltages. Again, Anderson fails to disclose looking at the amount of voltage decrease (i.e., the delta value) caused by an operation of a driving motor during initialization.

In other words, the present invention looks at "an amount of decrease", i.e., a Δ voltage or difference in voltage, and compares this "decrease amount" to an acceptable decrease amount, i.e., a predetermined decrease amount value, such as 0.1V, for example. Whereas, in Anderson the voltage sensors merely

compares the power source voltage with a threshold voltage preferably set to 5.2 volts. (see Anderson, col. 10, lines 28-37).

For at least the reasons noted above, applicants respectfully submit that Anderson fails to make up for the deficiencies found in Takeshita, and that the combination of Takeshita and Anderson fail to teach or suggest determining during power initiation whether an amount of voltage decrease from the electric power source terminal voltage value caused by an operation of one of the lens cover driving motor and the zoom motor is less than a predetermined decrease amount value, wherein the amount of voltage decrease corresponds to a difference between two voltages before and during power initiation.

Applicants further respectfully submit that Kijima also fails to disclose monitoring the power source voltage decrease amount caused by an operation of a driving motor. As such, Kijima fails to make up for the deficiencies found in both Anderson and Takeshita.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicants respectfully submit that the combination of Takeshita and Anderson fail to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claims 1 and 11 are allowable over the cited art for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-4, 11-14 and 16-20 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.


Should the Examiner believe that anything further would be desirable to place this application in better condition for

allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 to schedule a Personal Interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Dated: April 5, 2006

Respectfully submitted,

By 

Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

MRC/CTB/mpe